

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT COURT OF NEW YORK

BIPINCHANDRA SHAH,

Petitioner,

- against -

RLI PARTNERS, LIMITED, LIMITED  
LIABILITY COMPANY "INVESTMENT  
LOTTERY COMPANY", LIMITED LIABILITY  
COMPANY "INVESTMENT FINANCIAL  
COMPANY 'METROPOL'", and COMMERCIAL  
BANK "OBI'EDINENNYI INVESTITIONNYI  
BANK" (LIMITED LIABILITY COMPANY),

Respondents.

Civil Action No. 08 Civ. 4446 (JES)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

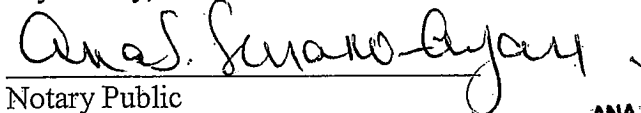
DERIC GERLACH, being duly sworn, deposes and says:

1. That he is over eighteen years of age, resides in the State of New York and is not a party to the above-titled action.
2. That he, on July 7, 2008, served by email a true and correct copy of the attached document subpoena.
3. That the email was sent to mary.p.mihalik@citi.com, which is the return email address on the email Ms. Mihalik sent to John Hay on July 7, 2008.
4. That on July 7, 2008, he received an electronic (email) response to his July 7, 2008 email acknowledging that it had been received.



Deric Gerlach

Sworn to before me this 7th  
day of July, 2008.



Notary Public

ANA S. SERRANO-AYAU  
Notary Public, State of New York  
No. 01SE057472  
Qualified in Queens County  
Certificate filed in New York County  
Commission Expires April 16, 2011

**UNITED STATES DISTRICT COURT**  
SOUTHERN DISTRICT OF NEW YORK

Bipinchandra Shah,

Petitioner,

-against-

RLI Partners, Limited, Limited Liability Company "Investment Lottery Company", Limited Liability Company "Investment Financial Company 'Metropol'", and Commercial Bank "Obi'Edinennyi Investitsionnyi Bank" (Limited Liability Company),

Respondents.

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: 08 Civ. 4446 (JES)

TO: Citibank, N.A.  
One Court Square  
Long Island City, New York 11101  
Fax no.: (866) 560-0633

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

All documents and tangible things relating to or concerning all bank accounts or other assets of Respondents Limited Liability Company "Investment Financial Company 'Metropol'" and Commercial Bank "Obi'Edinennyi Investitsionnyi Bank" (Limited Liability Company) for the months of June and July, 2008.

PLACE

Salans  
620 Fifth Avenue  
New York, New York 10020

DATE AND TIME

July 14, 2008  
at 9:30 a.m.

☐ YOU ARE COMMANDED to Permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Attorney for Petitioner

DATE

July 7, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

John J. Hay, Esq.  
Salans, 620 Fifth Avenue, New York, NY 10020 Tel: (212) 632-5500

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

**PROOF OF SERVICE**

<b>SERVED</b>	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

**Rule 45, Federal Rules of Civil Procedure, Parts C&D:****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to

travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**Deric S. Gerlach**

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**From:** Mihalik, Mary B [mary.b.mihalik@citi.com]  
**Sent:** Monday, July 07, 2008 2:43 PM  
**To:** John J. Hay  
**Cc:** Deric S. Gerlach  
**Subject:** RE: OBIBANK BALANCE

**Importance:** High

John,

The July 2008 statements for Obibank's account will not be available until the first week of August. Do you want to wait and have the statements for both June & July 2008 delivered together or would you prefer to receive the statements for June 2008 earlier and then wait for July's statements.

Regards, mary

Mary B. Mihalik, VP | GCO Litigation  
Citi Markets & Banking | 388 Greenwich Street | 17th Floor / Zone 1 |  
New York, NY 10013  
Phone: 212-816-6182 | Fax: 866-560-0633 | Email: mary.b.mihalik@citi.com

-----Original Message-----

**From:** Deric S. Gerlach [mailto:DGerlach@salans.com]  
**Sent:** Monday, July 07, 2008 2:28 PM  
**To:** Mihalik, Mary B [CMB-GCO]  
**Cc:** John J. Hay  
**Subject:** FW: OBIBANK BALANCE

Mary,

Attached is a document subpoena for the June and July account statements for Obibank. Please feel free to contact me if you have any questions.

Regards,

Deric Gerlach

Salans  
620 Fifth Avenue  
New York, New York 10020  
(212) 632-8349

-----Original Message-----

**From:** Mihalik, Mary B [mailto:mary.b.mihalik@citi.com]  
**Sent:** Monday, July 07, 2008 11:56 AM  
**To:** John J. Hay  
**Cc:** Nelson, Rebecca J  
**Subject:** RE: OBIBANK BALANCE

John,

Please send me another subpoena because the last one only covered the time period up until May 2008.

Thanks, mary

Mary B. Mihalik, VP | GCO Litigation  
Citi Markets & Banking | 388 Greenwich Street | 17th Floor / Zone 1 |  
New York, NY 10013  
Phone: 212-816-6182 | Fax: 866-560-0633 | Email: mary.b.mihalik@citi.com

-----Original Message-----

From: John J. Hay [mailto:JHay@salans.com]  
Sent: Monday, July 07, 2008 10:36 AM  
To: Mihalik, Mary B [CMB-GCO]  
Subject: RE: OBIBANK BALANCE

Mary:

Thank you for the information. Can you send me a copy of the June bank statements for the account? If you need me to send the subpoena to you again I can.

John

John Hay  
Salans  
Rockefeller Center  
620 Fifth Avenue,  
New York, NY 10020-2457  
(Tel) (212) 632-8457  
(Fax) (212) 307-3397  
jhay@salans.com  
www.salans.com

-----Original Message-----

From: Mihalik, Mary B [mailto:mary.b.mihalik@citi.com]  
Sent: Monday, July 07, 2008 10:28 AM  
To: John J. Hay  
Cc: Nelson, Rebecca J  
Subject: OBIBANK BALANCE  
Importance: High

Dear Mr. Hay,

The balance in Obibank's account 36253085 is \$1,150,946.37 as of 07/07/08 at 09:43:47

Best regards,

Mary B. Mihalik, VP | GCO Litigation  
Citi Markets & Banking | 388 Greenwich Street | 17th Floor / Zone 1 |  
New York, NY 10013  
Phone: 212-816-6182 | Fax: 866-560-0633 | Email: mary.b.mihalik@citi.com

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Disclosure Pursuant to Treasury Regulations in Circular 230

To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any tax advice contained in this

communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matter(s) addressed herein.

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